

EXHIBIT C

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1 Tweedale book out there too. That's a very
2 available resource that plaintiffs' lawyers
3 could have used to put Turner & Newall in
4 front of the firing squad.

5 Q. The Tweedale book was published in
6 2000, correct?

7 A. It was published in hard copy in
8 2000 and paperback in 2001, that's correct.

9 Q. How many copies in print, do you
10 know?

11 A. I have no idea. Enough.

12 (Discussion held off record.)

13 BY MR. STROCHAK:

14 Q. The Tweedale book that you mention
15 in your report, isn't it true that that book
16 deals with circumstances in the United
17 Kingdom?

18 A. Not exclusively.

19 Q. Wouldn't you say that the majority
20 of information that is in the Tweedale book
21 pertains to circumstances in the United
22 Kingdom?

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1 A. I don't know if they ever ended.
2 The book certainly didn't say they ended. And
3 that's another really awful fact for them, is
4 that they were doing certainly in the 1980s.
5 They were berating Manville for releasing
6 information. I mean, my God, how bad do you
7 have to be?

8 MR. STROCHAK: Let's go off the
9 record for a second.

10 (Pause.)

11 BY MR. STROCHAK:

12 Q. Dr. Peterson, it's your view that
13 the publication of the Tweedale book would
14 have some effect on T&N's liability in the
15 tort system going forward; is that correct?

16 A. Yes.

17 Q. What have you done to quantify that
18 effect?

19 A. You can't quantify something like
20 that. I've talked with plaintiff's lawyers
21 who are aware of it and know its impact. I
22 have talked with defense lawyers who have

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1 suppressed as a result of the circumstances
2 that you've pointed to?

3 A. Well, no. I talked about -- I've
4 talked about factors that are going to
5 increase the claiming rate, not suppress it.
6 None of the factors that I've talked about are
7 matters that suppress claiming. They are
8 matters that will increase claiming.

9 Q. And it's your opinion that the 1994
10 repository that was created in connection with
11 the Chase litigation is a factor that you view
12 as making it more likely that future claims
13 would increase; is that right?

14 A. Absolutely. It's a devastating
15 development.

16 Q. In connection with any of those
17 documents that are in that repository have you
18 reviewed any of them?

19 A. No.

20 Q. You haven't reviewed any of them
21 yourself?

22 A. No.

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1 damages were available, they would return
2 larger verdicts because they were pissed off
3 at Turner & Newall.

4 Q. And you haven't done any analysis
5 as to whether courts would exclude what you've
6 conceded to be is inflammatory evidence,
7 correct?

8 MR. BISSELL: Objection to form.

9 MR. FINCH: Object to form.

10 THE WITNESS: That's a speculative
11 question. I can't answer that.

12 BY MR. STROCHAK:

13 Q. No, no. I wasn't asking you to
14 speculate. I was asking, have you done any
15 analysis to determine whether courts would
16 exclude what you've characterized as
17 inflammatory information?

18 A. The exercise you've asked is so
19 far-fetched and speculative that I've not
20 engaged in such an exercise.

21 Q. In fact, you couldn't do it, right?

22 A. It wouldn't be meaningful because

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1 efforts to obtain discovery into the basis for
2 the payments under pending claims and on
3 payments in the past as well as the bases for
4 the development of the trust distribution
5 settlement values was denied, and on that
6 basis I have no questions for this witness.

7 MR. FINCH: I have one question of
8 Dr. Peterson.

9 EXAMINATION BY COUNSEL ON BEHALF OF
10 THE OFFICIAL COMMITTEE OF ASBESTOS
11 PERSONAL INJURY CLAIMANTS

12 BY MR. FINCH:

13 Q. Dr. Peterson, is it possible -- is
14 it at all possible that the first time you
15 learned of the existence of the asbestos --
16 Magic Mineral to Deadly [sic] Dust, the
17 Tweedale book, was at a meeting that you and I
18 attended in December of 2002 with Paul Hanly
19 and Jane Conroy at Caplin & Drysdale's offices
20 in New York?

21 A. That would have been when I
22 discovered it. I don't know the name of -- I

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1 tend not to be quantitative inferences, but
2 they're consistent with the quantitative
3 inferences. And that's what you want to do. If
4 you see numbers that are going up or down, just
5 to look at that without trying to do the
6 qualitative understanding, what's going on, is
7 kind of a -- it's a dangerous proposition. And
8 so you really want and try to understand the
9 phenomenon, not only the numbers, but the
10 underlying phenomenon, and it's the two
11 together.

12 Q. In analyzing what I've kind of
13 characterized as claimant side behavior or
14 plaintiff lawyer side behavior, have you spoken
15 with any particular members of the plaintiffs'
16 bar to get an understanding of their activities?

17 A. About this period of time?

18 Q. In specific, the 2000-2001 period,
19 yes.

20 A. I've talked to plaintiffs' lawyers,
21 not infrequently -- I'm sure that over the
22 course of that period of time I've talked with
23 them some about this stuff.

24 I don't recall any specific
25 conversations.

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1 Q. Okay. And apart from specific
2 conversations, do you recall any specific people
3 that you spoke with about claimant side behavior
4 that may have affected the claiming rates
5 against T&N during 2000-2001?

6 A. I don't remember that. Who I might
7 have. I mean, as I say, I've had a lot of
8 conversations with plaintiffs' lawyers.

9 Q. In general, your conversations, do
10 they include members of the asbestos claimants
11 committee in this case?

12 A. Among others. I actually didn't
13 even know who is on the committee here, so...

14 Q. Name generally the people that you
15 would go to, at least in the first instance, for
16 information about plaintiff lawyer behavior.

17 A. I don't -- I don't do this in a way
18 that I would if I were at Rand, and set up,
19 schedule interviews with people in order to
20 discuss topics. In the course of a year I
21 probably talk with at least 20 plaintiffs --
22 asbestos plaintiffs' lawyers. We talk about
23 lots of stuff. We have a common interest in
24 asbestos litigation. We have a common interest
25 in what's going on. So who I might have talked